

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SHERRILEE O'NEY,

Plaintiff,

-against-

ENHANCED RECOVERY COMPANY, LLC,

Defendant.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ DEC 17 2012 ★

BROOKLYN OFFICE

COMPLAINT and DEMAND FOR JURY
TRIAL

CV 12 - 6228

NOW COMES Plaintiff, Sherrilee O'Ney ("Plaintiff"), by and through her attorneys, Krohn & Moss, Ltd., for her Complaint against Defendant, Enhanced Recovery Company, LLC ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

Parties

2. Plaintiff is a natural person residing in Selden, Suffolk County, New York.
3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).
4. Defendant is a collection agency having with a place of business located in Jacksonville, Florida.
5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Because Defendant has an office and conducts business in the state of New York, personal jurisdiction is established

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

Factual Allegations

10. Defendant is attempting to collect a debt from Plaintiff.

11. Plaintiff’s debt owed arises from transactions for personal, family, and household purposes.

12. In or around April of 2012, Defendant began placing calls to Plaintiff on her home phone (631-880-36xx) and to her mother’s home phone in an attempt to collect a debt.

13. Defendant placed excessive calls to Plaintiff with the intent to annoy, harass or abuse Plaintiff.

14. From approximately April 12, 2012 through June 20, 2012, Defendant placed approximately 85 calls in an attempt to collect a debt from Plaintiff.

15. Defendant often calls multiple times on the same day in an attempt to collect an alleged debt.

16. By way of example, Defendant placed approximately six (6) calls to Plaintiff on May 30, 2012 and five (5) calls to Plaintiff on May 21, 2012.

17. Defendant has been told numerous times by Plaintiff to stop contacting Plaintiff and her mother, yet Defendant consistently continues to place collection calls to Plaintiff on a daily basis.

CLAIM FOR RELIEF

18. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

19. Plaintiff is entitled to her attorneys' fees and costs incurred in this action.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1,000.00, pursuant to 15 U.S.C. § 1692k;
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated: November 29, 2012

KROHN & MOSS, LTD.

By: 

Adam T. Hill

KROHN & MOSS, LTD.

10 N. Dearborn St., 3rd Fl.

Chicago, Illinois 60602

Telephone: 312-578-9428

Telefax: 866-802-0021

ahill@consumerlawcenter.com

Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, SHERRILEE O'NEY, hereby demands a jury trial in this matter.